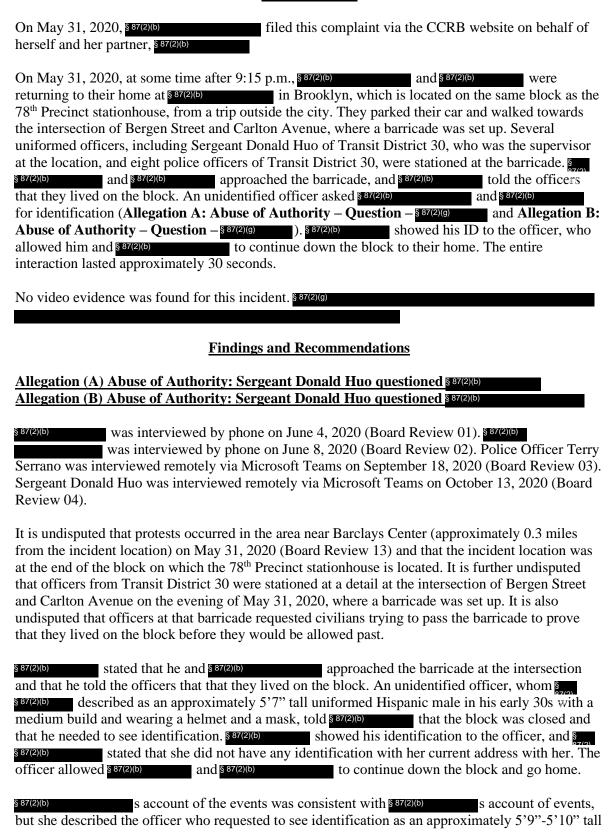
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	☐ Di	scourt.	U.S.
Rachel Murgo		Squad #2	202003704	$\square$	Abuse	□ O.1	L.	☐ Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18 Mo	. SOL	EO SOL
Sunday, 05/31/2020 9:15 PM		Bergen Street and Carl	ton Avenue		78	11/30/	2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Received	l at CCF	RB
Sun, 05/31/2020 10:15 PM		CCRB	On-line website		Sun, 05/31	/2020 10	:15 PM	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. SGT Donald Huo	02630	938689	TB DT30					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Hassan Shahbaz	14362	961275	TB DT30					
2. POM Terry Serrano	18349	962096	TB DT30					
3. POF Cynthia Inga	26025	964065	TB DT30					
4. POM Robert Gauntlett	13781	967888	TB DT30					
5. POM Kieran Mcmahon	13506	962603	TB DT30					
6. POM Muhammad Saeed	21372	962283	TB DT30					
7. POF Layla Almasadzhidi	01274	964363	TB DT30					
8. POM Jamal Taousse	27610	968833	TB DT30					
9. POM Thomas Depalo	25030	918933	TB DT30					
Officer(s)	Allegatio	on			Inve	estigator	Recon	nmendation
A.SGT Donald Huo	Abuse: S	Abuse: Sergeant Donald Huo questioned § 87(2)(b)						
B.SGT Donald Huo	Abuse: S	Abuse: Sergeant Donald Huo questioned §87(2)(b)						

## **Case Summary**



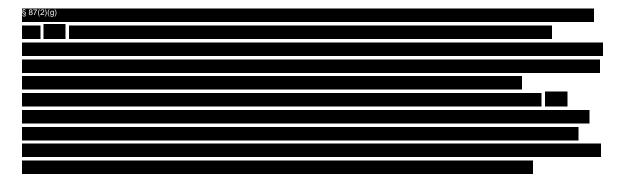
uniformed Hispanic male in his late 30s to early 40s with pale skin, dark eyes, dark hair, and an average build. She stated that the incident lasted approximately 30 seconds.

Sergeant Huo confirmed that he wrote the detail roster and supervised the officers stationed at the location according to the detail roster (Board Review 08, page 22). The purpose of the checkpoint was to secure the 78<sup>th</sup> Precinct stationhouse, which is located at the end of the block that Sergeant Huo and his officers were guarding, during a night of protests. Sergeant Huo received instructions in-person from an unknown lieutenant from the 78<sup>th</sup> Precinct (He could not recall who this lieutenant was, and the lieutenant was not present at the incident location) that no civilians were allowed to cross the barricade except for those who lived on the barricaded block, who could cross the barricade if they showed identification or other documentation proving that they lived there. Sergeant Huo passed these instructions to the officers he supervised that night.

Police Officer Serrano was the only Hispanic male stationed at the detail at Bergen Street and Carlton Avenue, according to the detail roster (Board Review 08, page 22). He believed that some pedestrians passed the barricade to enter the block, but he was on the other end of the barricade from these pedestrians. Police Officer Serrano denied personally requesting identification from any pedestrians. His account was consistent with Sergeant Huo's as to the stated purpose for the barricade and the instructions he and the other officers at the barricade received from Sergeant Huo.

Patrol Guide Procedure 212-11 states that a request for information (Level 1 Encounter) is an encounter between an officer and a civilian conducted for the purpose of requesting information from the civilian. The officer must have an objective credible reason to approach the civilian. The objective must be to gather information and not to focus on the person as a potential suspect. The officer may seek information related to the reasons the person was approached, such as name, address, and destination, if those questions are related to the objective credible reason for the approach. It defines objective credible reason as a reason based on more than a hunch or a whim. The reason to gather information may relate to a public safety function or a law enforcement function but need not be based on any indication of criminality (Board Review 14).

<u>Patrol Guide Procedure 213-05</u> states that when addressing an "unusual disorder" officers can be assigned to "perimeter check point posts" at certain roadways to "detour traffic around the disorder area, identify alternate routes for detoured traffic, prevent unauthorized entry into the disorder area [and] prevent disorderly groups from entering or exiting [the] disorder area."



## **Civilian and Officer CCRB Histories**

• This is the first CCRB complaint to which \$87(2)(b) and \$87(2)(b) have been parties (Board Review 05).

• Sergeant Donald Huo has been a member-of-service for 15 years and has been a subject in 3 CCRB complaints and 6 allegations, none of which were substantiated. §87(2)(9)

## **Mediation, Civil and Criminal Histories**

- Given that it was related to a protest, this case was not suitable for mediation.
- As of October 28, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review 10).
- According to the Office of Court Administration (OCA), \$87(2)(b) has no history of convictions in New York City (Board Review 06).

§ 87(2)(b)	of convictions in New 10.	ik City (Board Review 00).	
Squad No.:	2		
Investigator:	Rachel Murgo Signature	Inv. Rachel Murgo Print Title & Name	11/10/2020 Date
Squad Leader:	Alexander Opoku-Agyema Signature	ang IM Alexander Opoku-Agye Print Title & Name	emang 11/10/2020 Date
Reviewer:	Signature	Print Title & Name	Date